

REMARKS

Claims 1-26 are pending in the present application. In the Office Action mailed December 31, 2007, the Examiner rejected claim 1 under 35 U.S.C. §102(b) as being anticipated by JP 2002006049 (Canon Inc.).

Claims 16-26 are allowed. Claims 2-15 were indicated as containing allowable subject matter. Such indication is appreciated.

Regarding claim 1, the Examiner rejects the claim under 35 U.S.C. §102(b) as being anticipated by JP 2002006049 (Canon Inc.), stating that the reference “discloses an (sic) portable X-Ray Imaging Device comprising: an x-ray imaging device disclosed within a housing structure, an electronic circuit for monitoring conditions and processing electrical signal and regulating cooling unit temperature by operating the blower and supplying air current into the enclosure (see figure).” *Office Action*, December 31, 2007, p. 2. Applicant respectfully disagrees with the Examiner’s rejection, as will be set forth in further detail below.

First, Applicant notes that claim 1 was previously considered allowable over the prior art of record. *See Ex Parte Quayle Office Action*, August 22, 2007, p. 3. However, the Examiner now rejects claim 1 using prior art that was of record and known to the Examiner at the time of the Ex Parte Quayle Office Action, as the JP 2002006049 (Canon Inc.) was originally submitted by the Applicant in an IDS filed January 7 2005 and subsequently considered by the Examiner on August 19, 2007. While MPEP 1308.01 does permit the Examiner to reject a previously allowed claim, it also warns the Examiner that “[g]reat care should be exercised in authorizing such a rejection.” *See MPEP 1308.01*. As the Canon Inc. reference was not newly discovered by the Examiner, and had in fact been considered as part of an IDS prior to the Ex Parte Quayle Office Action, the Applicant believes the Examiner has unnecessarily rejected a previously allowed claim, without explanation, and is thereby unnecessarily protracting prosecution.

Notwithstanding, the Canon Inc. reference clearly fails to teach each limitation of claim 1, either expressly or inherently, as required by 35 U.S.C. §102(b). Specifically, Canon Inc. does not teach the claimed limitation of “a temperature regulator configured to adjust a temperature of a stored x-ray detector to a desired temperature” (emphasis added). Canon Inc. merely discloses an imaging device “composed of an electronic circuit component which processes the electric signal of the conversion element.” *JP 2002006049 (Canon Inc.)*, abstract and figure. Clearly the electronic circuit component of Canon Inc. only discloses the processing of the electronic signal of the conversion element, which is the photoelectric conversion element of the x-ray digital imaging device. The Examiner, however, alleges that Canon Inc. teaches “an electronic circuit

for monitoring conditions.” *Office Action*, supra at p. 2. Nowhere in the Canon Inc. reference is it even suggested that the electronic circuit is capable of monitoring conditions, and thus the Canon Inc. reference cannot possibly teach the limitation of “a temperature regulator configured to adjust a temperature of a stored x-ray detector to a desired temperature.” Therefore, for this reason alone, the Examiner’s rejection of claim 1 under 35 U.S.C. §102(b) is not sustainable.

Therefore, in light of at least the foregoing, Applicant respectfully believes that the present application is in condition for allowance. As a result, Applicant respectfully requests timely issuance of a Notice of Allowance for claims 1-26.

Applicant hereby authorizes charging of Deposit Account No. 07-0845 for any additional fees associated with entering the aforementioned claims.

Applicant appreciates the Examiner’s consideration of these Amendments and Remarks and cordially invites the Examiner to call the undersigned, should the Examiner consider any matters unresolved.

Respectfully submitted,

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Attorney Docket No.: GEMS8081.237

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General Authorization and Extension of Time

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 07-0845. Should no proper payment be enclosed herewith, as by credit card authorization being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 07-0845. If any extensions of time are needed for timely acceptance of papers submitted herewith, Applicant hereby petitions for such extensions under 37 C.F.R. §1.136 and authorizes payment of any such extensions fees to Deposit Account No. 07-0845. Please consider this a general authorization to charge any fee that is due in this case, if not otherwise timely paid, to Deposit Account No. 07-0845.

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